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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,589	01/10/2000	Kevin Michael Ruppelt	9D-EC-19348-Ruppelt-et-al	4505
7590	02/25/2005		EXAMINER	
John S Beulick Armstrong Teasdale LLP One Metropolitan Square Suite 2600 St Louis, MO 63102			VAN DOREN, BETH	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 02/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

Office Action Summary

Application No.	Applicant(s)	
09/480,589	RUPPELT ET AL.	
Examiner	Art Unit	
Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 December 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11, 13-38, 40-75 and 79-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11, 13-38, 40-75 and 79-81 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____. |
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DETAILED ACTION

1. The following is a Final office action in response to the communications received 12/02/04. Claims 1, 19, 27, 28, 46, 55, 64, 67, 68, and 81 have been amended. Claims 12 and 39 have been canceled. Claims 1-11, 13-38, 40-75 and 79-81 are now pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11, 13-38, 40-75 and 79-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Customer Support System (CircuitCity.com).

4. As per claim 1, Customer Support System discloses a method of enabling scheduling of a service call in a computing environment, the method comprising:

obtaining product information regarding a product from a user of the computing environment (See at least page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections 1-4, page 23, section 1, wherein product information is received from the user of the computer environment);

determining, by a first computing unit including a web browser, whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer (See at least page 1, sections 2-4, page 3, section 1, page 22, sections 1-4, wherein the user determines via his/her web enabled computing unit whether the product is serviced by a manufacturer or service provider);

providing to the user, from whom the product information is obtained, at least one available appointment for scheduling a service call based on the product information and on said determination made by the first computing unit (See at least page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the user is provided a service call based on the product information and the determination made concerning the manufacturer).

However, Customer Support System does not expressly disclose automatically providing the user an appointment without interaction between the user and any other human being.

Customer Support System teaches a web-enabled tool that allows a user via his computing device to locate a service provider or manufacturer with which to make an appointment. The user is provided an appointment after interacting with the service provider or manufacturer via the telephone. Interacting with a service provider or manufacturer via automated means such a web site was old and well known at the time of the invention. Furthermore *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), states that merely providing automated means to replace a manual old and well-known activity which accomplishes the same result is not sufficient to distinguish over the prior art. Therefore, based on the findings of *In re Venner*, merely automating an old and well-known activity such as arranging an appointment is *per se* obvious. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user an appointment using automated means of communication and with no interaction between the user and another human being in order to streamline the process of making an appointment and more efficiently, timely, and accurately schedule and record the appointment.

5. As per claim 2, Customer Support System discloses wherein the product information comprises a location of the product and at least one of a product type, a product manufacturer, and a product model number, and wherein the at least one available appointment is based on the location of the product (See at least page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections 1-4, page 23, section 1, wherein product information is received, such as product location and manufacturer, and the appointment is scheduled based on the location).

6. As per claim 3, Customer Support System discloses wherein the providing comprises selecting the at least one available appointment from at least one possible appointment for at least one service provider (See at least page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1).

7. As per claim 4, Customer Support System discloses wherein the providing comprises selecting the at least one available appointment from a plurality of appointments, and wherein the plurality of appointments are associated with a plurality of service providers at a plurality of locations (See at least page 1, sections 2-4, page 3, page 12, page 22, sections 1-4, page 25, which discloses a plurality of locations at which the appointment can be made).

8. As per claim 5, Customer Support System discloses wherein the automatically providing comprises determining in real-time the at least one available appointment (See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the user is scheduled for the appointment in real-time).

9. As per claim 6, Customer Support System discloses wherein the automatically providing comprises determining in real-time the at least one available appointment as unavailable in the

event another user has selected the at least one available appointment (See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1).

10. As per claim 7, Customer Service Support discloses a method further comprising providing suggested product information to the user for use by the user in providing product information (See at least page 1, sections 2-5, pages 3-4, page 12, and page 22, sections 1-2, wherein suggested product information is given to user so the user may supply the appropriate product information).

11. As per claim 8, Customer Service Support discloses a method wherein the suggested product information comprises at least one of a product type, a product manufacturer, and a product model number (See at least page 1, sections 2-5, pages 3-4, page 12, and page 22, sections 1-2, wherein the product information is at least product manufacturer and product type).

12. As per claim 9, Customer Support System discloses a method further comprising providing to the user a suggested nature of a problem based on the product information (See at least page 17 and page 23, section 2, which discloses customer support).

13. As per claim 10, Customer Support System teaches obtaining one of the at least one available appointment selected by the user (See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1).

14. As per claim 11, Customer Support System discloses a method further comprising notifying the service provider of the one of the at least one available appointment selected by the user (See at least page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the service provider is scheduled and performs the service).

15. As per claim 13, Customer Support System discloses providing to the user at least one available appointment for scheduling a service call based on the product information (See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1). However, Customer Support System does not expressly disclose the available appointment selected by the user being set as unavailable for other users.

Customer Support System discloses scheduling available technicians for appointments. It is well known in the art that a service provider is a limited resource and when a service provider is scheduled for an appointment, he/she is unavailable at that time for another appointment. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the service call appointment selected by the user unavailable to other users in order to more efficiently schedule technicians by ensuring that the technicians are not double booked.

16. As per claim 14, Customer Support System discloses a method further comprising validating warranty product information (See at least page 1, sections 2-4, page 3, section 1, page 22, sections 1-4, wherein the warranty is validated).

17. As per claim 15, Customer Support System teaches a method further comprising obtaining a nature of a problem of the product, and providing do it yourself repair information based on the nature of the problem (See page 17, page 23, section 2, wherein a technical support line is disclosed).

18. As per claim 16, Customer Support System discloses wherein the obtaining the product information at the first computing unit from input of the product information by the user at a second computing unit coupled to the first computing unit via a communications network (See at

least page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections 1-4, page 23, section 1).

19. As per claim 17, Customer Support System teaches a method wherein a communications network is used that is accessible by either the order taker or the customer as well as the technicians (See at least page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections 1-4, page 23, section 1).

20. As per claim 18, Customer Support System discloses wherein said service call is for repair of a home appliance (See at least page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections 1-4, page 23, section 1, which discusses a computer).

21. As per claim 19, Customer Support System teaches a method of enabling scheduling of a service call for repair of a home appliance in a computing environment, the method comprising:
obtaining product information regarding a product at a first computing unit from input of the product information by a user at a second computing unit coupled to the first computing unit via a communications network (See at least page 1, sections 2-4, page 3, section 1, page 12, pages 15-16, page 22, sections 1-4, page 23, section 1, wherein product information is received from the user of the computer environment);

determining, by the second computing unit including a web browser, whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer (See at least page 1, sections 2-4, page 3, section 1, page 22, sections 1-4, wherein the user determines via his/her web enabled computing unit whether the product is serviced by a manufacturer or service provider);

providing to the user that input the product information at the second computing unit at least one available appointment for scheduling a service call based on the product information and based on said determination made by the second computing unit (See at least page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the user is provided a service call based on the product information and the determination made concerning the manufacturer).

However, Customer Support System does not expressly disclose automatically providing an appointment from the first computing unit without interaction between the user and any other human being.

Customer Support System teaches a web-enabled tool that allows a user via his computing device to locate a service provider or manufacturer with which to make an appointment. The user is provided an appointment after interacting with the service provider or manufacturer via the telephone. Interacting with a service provider or manufacturer via automated means such a web site was old and well known at the time of the invention. Furthermore *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), states that merely providing automated means to replace a manual old and well-known activity which accomplishes the same result is not sufficient to distinguish over the prior art. Therefore, based on the findings of *In re Venner*, merely automating an old and well-known activity such as arranging an appointment is *per se* obvious. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user an appointment using automated means of communication and with no interaction between the user and another human being in order to

streamline the process of making an appointment and more efficiently, timely, and accurately schedule and record the appointment.

22. Claims 20, 21, 22, 23, 24, 25, 26, and 27 recite equivalent limitations to claims 2, 4, 5, 6, 15, 10, 11, and 13, respectively, and are rejected using the same art and rationale applied above.

23. Claims 28-38 and 40-54 recite equivalent limitations to claims 1-11 and 13-27, respectively, and are therefore rejected using the same art and rationale relied upon above.

24. Claims 55-63 recite equivalent limitations to claims 19-27, respectively, and are therefore rejected using the same art and rationale relied upon above.

25. Claims 64-72 recite equivalent limitations to claims 19-27, respectively, and are therefore rejected using the same art and rationale relied upon above.

26. As per claim 73, Customer Support System teaches wherein said determining whether the product is serviced by a service provider if the product is not serviced by the manufacturer comprises determining whether the product is serviced by an authorized service provider if the product is not serviced by the manufacturer, the authorized service provider having agreed with the manufacturer to provide a service similar to that provided by the manufacturer (See at least page 1, sections 2-4, page 3, section 1, page 22, sections 1-4, wherein the service provider is an authorized service provider).

27. Claims 74-75 recite equivalent limitations to claim 73 and are therefore rejected in each instance using the same art and rationale as applied in the rejection of claim 73.

28. As per claim 79, Customer Support System teaches a method further comprising a priority to the service call if the product is out of warranty, wherein said providing a priority including providing the priority to the service call over a service call corresponding to a product

that is under warranty (See page 1, section 4, wherein those with warranty's with manufacturers are first asked to contact the manufacturer. Those out of warranty may schedule directly).

29. As per claim 80, Customer Service System teaches the at least one available appointment includes at least two available appointments, providing a number of the at least two available appointments if the product is out of warranty, wherein said providing a number includes providing the at least two available appointments that are higher in number than a number of at least one available appointment corresponding to a product under warranty (See at least page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the user is provided an appointment).

30. Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Customer Support System (Circuitcity.com) in view of Rasansky et al. (U.S. 5,960,406).

31. As per claim 81, Customer Service Support discloses scheduling a service call for a user (See at least page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1, wherein the user is provided an appointment). However, Customer Service Support does not expressly disclose and Rasansky et al. discloses providing, via the first computing unit, a reminder of an appointment, wherein said providing a reminder to the user includes providing the reminder before a time at which the appointment is scheduled (See figures 7 and 18B, column 17, lines 60-67, wherein a reminder is sent).

Both Rasansky et al. and Customer Support System disclose scheduling service appointments with a user in a computing environment. Providing reminders of appointments was well known in the service industry at the time of the invention. It would have been obvious

to one of ordinary skill in the art at the time of the invention to provide a reminder of the service call scheduled in Customer Support System in order to more efficiently make appointments with people in disparate locations. See at least column 1, lines 5-15 and 35-65.

Response to Arguments

32. Applicant's arguments with respect to the rejections of claims 1-11, 13-38, 40-75 and 79-80 in view of Customer Support System (CircuitCity.com) and Rasansky et al. (U.S. 5,960,406) have been considered but are moot in view of the new grounds of rejection, as necessitated by amendment

33. Applicant's arguments with respect to the rejections based on Customer Support System and Rasansky et al. have been fully considered, but they are not persuasive. In the remarks, Applicant argues that (1) Customer Support Service does not teach or suggest determining, by a user's computing unit including a web browser, whether the product is serviced by a manufacturer of the product or a service provider different than the manufacturer and automatically providing to the user, from whom the product information is obtained, at least one available appointment for scheduling a service call based on the product information and on said determination made by the first computing unit, wherein the automatic providing includes providing without interaction between the user and any other human being and (2) there is no motivation to combine Customer Service Support and Rasansky et al.

In response to argument (1), Examiner respectfully disagrees. In its broadest reasonable interpretation, the independent claims discuss a web-enabled computer operated by a user to determine whether a product is serviced by a manufacturer or a service provider different than the manufacturer. Then, using this determination and product information, the user is

automatically provided with an appointment for a service call without interaction between the user and any other human being. Examiner points out that the claims do not expressly state how the determination is made, who/what is making the determination, or how the interaction is specifically occurring. Therefore, in the broadest reasonable interpretation of the claim, the user of the computing unit could be making the determination in his/her head with the aid of information viewed and navigated on the web browser. Customer Service Support teaches a web page provided from one computing unit to the user at another computing unit, the web page usable to make a determination as whether the product is serviced by a manufacturer or a service provider who is different than the manufacturer. See at least page 1, sections 2-4, page 3, section 1, page 22, sections 1-4, wherein the user determines via his/her web enabled computing unit whether the product is serviced by a manufacturer or service provider. Examiner points out that it is not specifically stated how the service provider “is different than the manufacturer” (i.e. are the manufacturer and the service provider two distinct entities or is one entity both a service provider and a manufacturer, serving different functions to different clients based on the product to be serviced). Customer Service Support teaches providing to the user an available appointment for a service call based on the product information and on the determination of whether the product is serviced by a service provider or a manufacturer. See page 1, sections 2-4, page 3, section 1, pages 12, 15-16, page 22, sections 1-4, page 23, section 1. Examiner points out that while Customer Support System utilizes a web site, computing unit, and web browser for most of the steps of arranging the service call and aids the user in obtaining an appointment, Customer Support System does not expressly disclose automatically providing the user an appointment without interaction between the user and any other human being. Examiner

maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user an appointment using automated means of communication and with no interaction between the user and another human being, as asserted above.

In response to argument (2), Examiner first points out that Customer Support System and Rasansky et al. have only been relied upon to teach claim 81. Examiner further recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Rasansky et al. and Customer Support System disclose a user scheduling a service appointment and the user operates a web browser in a computing environment. Since providing reminders of appointments was well known in the service industry at the time of the invention, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a reminder of the service call scheduled in Customer Support System in order to more efficiently make appointments with people in disparate locations, as discussed in column 1, lines 5-15 and 35-65, of Rasansky et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Loveland (U.S. 6,829,584) discloses storing information regarding dates of purchase and warranty information concerning an object and scheduling with a vendor using this information.

Loveland (U.S. 6,826,539) teaches storing information regarding dates of purchase and warranty information concerning an object and scheduling with a vendor using this information.

Sandifer (U.S. 6,292,806) discloses a computer aided maintenance and repair information system that maintains requirement information.

OpenUPTIME (www.metrix-inc.com) teaches a computer based scheduling system that allows a user to remotely schedule a field technician, wherein the system considers warranty information.

“RepairNow.com and National Electronics Warranty ‘Dot.com’ customer service structure” (PR Newswire) teaches an online customer service center and buyer protection programs.

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"Accent awarded Amana customer service contract" (www.accentonline.com) teaches a regional service center that processes service calls for the multiple sites.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd

bvd
February 17, 2005

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER

Au 3623